

AMENDED IN SENATE JUNE 13, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1308

Introduced by Assembly Member Bonilla

February 22, 2013

An act to amend Sections 2507 and 2508 of the Business and Professions Code, *and to amend Section 1204.3 of the Health and Safety Code*, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1308, as amended, Bonilla. Midwifery.

Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensing and regulation of midwives by the Board of Licensing of the Medical Board of California. The license to practice midwifery authorizes the holder, under the supervision of a licensed physician and surgeon, as specified, to attend cases of normal childbirth and to provide prenatal, intrapartum, and postpartum care, including family-planning care, for the mother, and immediate care for the newborn. Under the act, a licensed midwife is required to make certain oral and written disclosures to prospective clients. A violation of the act is a crime.

This bill would additionally authorize a licensed midwife to directly obtain supplies *and devices, obtain and administer drugs and diagnostic tests*, order testing, and receive reports that are necessary to his or her practice of midwifery and consistent with his or her scope of practice and would require a licensed midwife to disclose to prospective clients the specific arrangements for referral of complications to a physician and surgeon.

Existing law requires the board, by July 1, 2003, to adopt regulations defining the appropriate standard of care and level of supervision required for the practice of midwifery.

This bill would require the board, by July 1, 2015, to revise and adopt regulations defining the appropriate standard of care and level of supervision required for the practice of midwifery and identifying complications necessitating referral to a physician and surgeon.

Existing law requires a licensed alternative birth center, and a licensed primary care clinic that provides services as an alternative birth center, to meet specified requirements, including requiring the presence of at least 2 attendants during birth, one of whom shall be either a physician and surgeon or a certified nurse-midwife.

This bill would provide that a licensed midwife may also satisfy that requirement.

By expanding the disclosures a licensed midwife is required to make to prospective clients, this bill would expand the scope of a crime thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Licensed midwives have been authorized to practice since
- 3 1993 under Senate Bill 350 (Chapter 1280 of the Statutes of 1993),
- 4 which was authored by Senator Killea. Additional legislation,
- 5 Senate Bill 1950 (Chapter 1085 of the Statutes of 2002), which
- 6 was authored by Senator Figueroa, was needed in 2002 to clarify
- 7 certain practice issues. While the midwifery license does not
- 8 specify or limit the practice setting in which licensed midwives
- 9 may provide care, the reality is that the majority of births delivered
- 10 by licensed midwives are planned as home births.
- 11 (b) Planned home births are safer when care is provided as part
- 12 of an integrated delivery model. For a variety of reasons, this
- 13 integration rarely occurs, and creates a barrier to the best and safest

1 care possible. This is due, in part, to the attempt to fit a midwifery
2 model of care into a medical model of care.

3 SEC. 2. Section 2507 of the Business and Professions Code is
4 amended to read:

5 2507. (a) The license to practice midwifery authorizes the
6 holder, under the supervision of a licensed physician and surgeon,
7 to attend cases of normal childbirth and to provide prenatal,
8 intrapartum, and postpartum care, including family-planning care,
9 for the mother, and immediate care for the newborn.

10 (b) As used in this article, the practice of midwifery constitutes
11 the furthering or undertaking by any licensed midwife, under the
12 supervision of a licensed physician and surgeon who has current
13 practice or training in obstetrics, to assist a woman in childbirth
14 so long as progress meets criteria accepted as normal. All
15 complications shall be referred to a physician and surgeon
16 immediately. The practice of midwifery does not include the
17 assisting of childbirth by any artificial, forcible, or mechanical
18 means, nor the performance of any version.

19 (c) As used in this article, “supervision” shall not be construed
20 to require the physical presence of the supervising physician and
21 surgeon.

22 (d) The ratio of licensed midwives to supervising physicians
23 and surgeons shall not be greater than four individual licensed
24 midwives to one individual supervising physician and surgeon.

25 (e) A midwife is not authorized to practice medicine and surgery
26 by this article.

27 (f) A midwife is authorized to directly obtain supplies *and*
28 *devices, obtain and administer drugs and diagnostic tests*, order
29 testing, and receive reports that are necessary to his or her practice
30 of midwifery and consistent with his or her scope of practice.

31 (g) The board shall, not later than July 1, 2015, revise and adopt
32 in accordance with the Administrative Procedure Act (Chapter 3.5
33 (commencing with Section 11340) of Part 1 of Division 3 of Title
34 2 of the Government Code), regulations defining the appropriate
35 standard of care and level of supervision required for the practice
36 of midwifery and identifying complications necessitating referral
37 to a physician and surgeon.

38 SEC. 3. Section 2508 of the Business and Professions Code is
39 amended to read:

1 2508. (a) A licensed midwife shall disclose in oral and written
2 form to a prospective client all of the following:

3 (1) All of the provisions of Section 2507.

4 (2) If the licensed midwife does not have liability coverage for
5 the practice of midwifery, he or she shall disclose that fact.

6 (3) The specific arrangements for the referral of complications
7 to a physician and surgeon *for consultation. The licensed midwife*
8 *shall not be required to identify a specific physician and surgeon.*

9 (4) The specific arrangements for the transfer of care during the
10 prenatal period, hospital transfer during the intrapartum and
11 postpartum periods, and access to appropriate emergency medical
12 services for mother and baby if necessary.

13 (5) The procedure for reporting complaints to the Medical Board
14 of California.

15 (b) The disclosure shall be signed by both the licensed midwife
16 and the client and a copy of the disclosure shall be placed in the
17 client's medical record.

18 (c) The Medical Board of California may prescribe the form for
19 the written disclosure statement required to be used by a licensed
20 midwife under this section.

21 *SEC. 4. Section 1204.3 of the Health and Safety Code is*
22 *amended to read:*

23 1204.3. (a) An alternative birth center that is licensed as an
24 alternative birth center specialty clinic pursuant to paragraph (4)
25 of subdivision (b) of Section 1204 shall, as a condition of licensure,
26 and a primary care clinic licensed pursuant to subdivision (a) of
27 Section 1204 that provides services as an alternative birth center
28 shall, meet all of the following requirements:

29 (1) Be a provider of comprehensive perinatal services as defined
30 in Section 14134.5 of the Welfare and Institutions Code.

31 (2) Maintain a quality assurance program.

32 (3) Meet the standards for certification established by the
33 ~~National Association of Childbearing Centers~~ *American*
34 *Association of Birth Centers*, or at least equivalent standards as
35 determined by the state department.

36 (4) In addition to standards of the ~~National Association of~~
37 ~~Childbearing Centers~~ *American Association of Birth Centers*
38 regarding proximity to hospitals and presence of attendants at
39 births, meet both of the following conditions:

1 (A) Be located in proximity, in time and distance, to a facility
2 with the capacity for management of obstetrical and neonatal
3 emergencies, including the ability to provide cesarean section
4 delivery, within 30 minutes from time of diagnosis of the
5 emergency.

6 (B) Require the presence of at least two attendants at all times
7 during birth, one of whom shall be either a physician and surgeon
8 *surgeon, a licensed midwife*, or a certified nurse-midwife.

9 (5) Have a written policy relating to the dissemination of the
10 following information to patients:

11 (A) A summary of current state laws requiring child passenger
12 restraint systems to be used when transporting children in motor
13 vehicles.

14 (B) A listing of child passenger restraint system programs
15 located within the county, as required by ~~Section 27360 of the~~
16 ~~Vehicle Code or Section 27362 of that code~~ *the Vehicle Code*.

17 (C) Information describing the risks of death or serious injury
18 associated with the failure to utilize a child passenger restraint
19 system.

20 (b) The state department shall issue a permit to a primary care
21 clinic licensed pursuant to subdivision (a) of Section 1204
22 certifying that the primary care clinic has met the requirements of
23 this section and may provide services as an alternative birth center.
24 Nothing in this section shall be construed to require that a licensed
25 primary care clinic obtain an additional license in order to provide
26 services as an alternative birth center.

27 (c) (1) Notwithstanding subdivision (a) of Section 1206, no
28 place or establishment owned or leased and operated as a clinic or
29 office by one or more licensed health care practitioners and used
30 as an office for the practice of their profession, within the scope
31 of their license, shall be represented or otherwise held out to be
32 an alternative birth center licensed by the state unless it meets the
33 requirements of this section.

34 (2) Nothing in this subdivision shall be construed to prohibit
35 licensed health care practitioners from providing birth related
36 services, within the scope of their license, in a place or
37 establishment described in paragraph (1).

38 ~~SEC. 4.~~

39 *SEC. 5.* No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

O